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The Honorable Dave Camp, Chairman
Ways and Means Committee
U.S. House of Representatives
1102 Longworth House Office Building
Washington D.C. 20515

Subject: April 26, 2012, Hearing on Certain Expiring Tax Provisions: extension of the wind energy production tax credit (WEPTC). Submitted testimony of the Viejas Band of Kumeyaay Indians, Hon. Anthony Pico, Chairman; P.O. Box 908, Alpine, CA 91903; tel. 619-445-3810, www.viejas.com

Dear Chairman Camp:

On behalf of the Viejas Band of Kumeyaay Indians, I want to urge your committee not to approve extension of the wind energy production tax credit (WEPTC) until and unless the wind energy industry and the executive branch guarantee that in planning, financing, and approving wind energy projects they will ensure that:

- a. The environmental impacts of such projects are fully and thoughtfully considered, in accord with federal laws, regulations, and executive orders including but not limited to the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and the American Indian Religious Freedom Act (AIRFA);
- b. Proposals and plans for such projects are subjected to government-to-government consultation with federally recognized Indian tribes before their locations are selected and they are decided upon; and
- c. In such consideration and consultation, a full and reasonable range of alternatives to particular proposed projects is realistically and thoroughly assessed.

If you ask them, the industry and the agencies will undoubtedly tell you that they already ensure such things, but in our experience with the proposed Ocotillo Wind Energy Facility (OWEF) and similar projects on federal public lands in the Southern California desert, this is simply not true. The agencies, ostensibly acting with the encouragement of the White House, are putting approval of wind (and solar) energy projects on a “fast

track” that short-circuits and environmental impact assessment and consultation with tribes and short-changes communities directly affected by the industrial turbines.

Our Tribe and others support the development of clean energy, but not at the expense of our treasured natural and cultural environment. The OWEF, to provide one example, will if carried out, devastate a desert landscape of great cultural and spiritual significance to us, which is full of sites containing the bones of our ancestors and our ceremonial places. Yet the project sponsor and the Bureau of Land Management (BLM) have prepared an environmental impact statement (EIS) under NEPA that treats our ancestral sites as mere objects of archaeological interest that can be “avoided” by not constructing wind turbines directly on them. The same EIS gives no serious consideration to a range of realistic alternatives, and effectively ignores our critical comments and defers important studies and reports until after the final siting and planning decisions are made – the very decisions such studies and reports are supposed to inform. Meanwhile BLM has initiated “consultation” under NHPA by putting a pre-developed agreement in front of us and expecting us to sign it. This agreement, too, treats our spiritual and ancestral places as mere collections of artifacts interesting to archaeologists.

This sort of behavior is deeply insulting to us, and the results threaten the whole cultural identity of the Kumeyaay, Quechan and Cocopah Peoples. It is also wasteful of time and money, and delays clean energy development rather than facilitating it. Unfortunately, the OWEF is not an isolated example; BLM is fast-tracking the review and approval of wind and solar projects throughout the desert where we and other tribes have lived since time out of mind, and their performance in each case resembles what we are now experiencing with the OWEF.

Again, in principle we support the development of clean energy, and would be pleased to participate in a real consultation about alternative ways to provide it, but we are not prepared to sacrifice our religious practices, cultural identity and ancestors’ remains which the United States is asking us to do. Why destroy in less than one generation what took thousands of years to create? The BLM and DOI are expected to issue a decision to approve the project this week, so that the Treasury subsidies can vest this year. The use of federal money to destroy our culture is not acceptable to my People.

We urge you not to extend tax credits to wind energy projects until the industry and the executive branch commit to real environmental impact review, real consideration of alternatives, and real tribal consultation.

Please contact me if you would like me to speak more with you and your Committee about this issue. I may be reached at 619-659-2323.

Sincerely,

Anthony R. Pico, Chairman
Viejas Band of Kumeyaay Indians

Cc:

Tribal Leaders
Senator Barbara Boxer
Senator Diane Feinstein
Congressman Duncan Hunter
Congressman Brian Bilbray
Congressman Bob Filner
Secretary Ken Salazar, Department of Interior
Bob Abbey, Director BLM
Jim Kenna, State Director, BLM (California)
Margaret Goodro, BLM Field Manager, BLM El Centro
Angelina Havens, County of Imperial